

COURT RULE NO. 1

Parties and/or attorneys having matters before the Court are required forty-eight (48) hours prior to appearance for said matters to file written objections, if any they may have, to the interchangeability for Reportorial services of the Court Reporter and Assistant Court Reporter. Such objections must be verified stating grounds therefor.

Failure to comply with this Rule waives any and all rights as to the use of the Official Court Reporter or the Assistant Court Reporter.

The Clerk of this Court is ORDERED to post one copy of this Order in a prominent position on display for a period of forty-eight (48) hours upon receipt and to certify immediately two (2) copies to the Clerk of the Indiana Supreme Court. /s/
Walter H. Palmer, Judge, Gibson Circuit Court

COURT RULE 2 - JUNE 19, 1986

Pursuant to Trial Rule 81, the Court now promulgates the following local rule of practice for the Gibson Circuit Court:

1. Pursuant to the ruling of the Indiana Supreme Court in the case of State of Indiana ex rel. Michael Williams vs. Thomas L. Ryan, Judge of the Allen Circuit Court, No. 1285 S 525, the Court now ORDERS that all bonds in criminal cases in which authority is granted to the defendant to post a cash equivalency bond pursuant to Indiana Code 35-33-8-3.1(2), will be interpreted in the following manner:

- a. The bond is posted in the name of the defendant;
- b. The bond is considered a personal asset of the defendant, and
- c. The bond is available for payment of Court costs, fine, restitution (if any) and necessary attorney fees.

/s/ WALTER H. PALMER, JUDGE, GIBSON CIRCUIT COURT

LOCAL RULE NO. 3

Effective January 1, 1988 all pleadings filed shall be prepared upon white paper 8 1/2 x 11 inches being the preferred size, but the Court will accept any size from 8 1/2 x 11 inches to 8 1/2 x 14 inches until January 1, 1989. Thereafter, all pleadings must be filed on 8 1/2 x 11 inch paper.

/s/ Walter H. Palmer, Judge, Gibson Circuit Court

Court now enters Local Rule #4 as follows:

Court now establishes Work Release Rules for persons incarcerated pursuant to Orders of the Court:

(1) All persons granted work release privileges, whether by civil contempt or criminal sanctions, are required to be employed;

(2) Persons granted work release are required to provide work schedule to the Sheriff of Gibson County during such period of time as they are incarcerated, and said work schedule shall be continuously updated by said persons at their own risk. Sheriff of Gibson County will not release said prisoner until the work schedule is received by him.

(3) Persons incarcerated will be given transit time to and from their place of employment not to exceed one (1) hour except by direct Order of the Court where this period of time is adjudged to be patently unreasonable.

(4) All persons granted work release privileges who fail to comply with all the above stated conditions shall forthwith and summarily have work release privileges revoked.

Court now ORDERS that a copy of this rule be spread of record in the General Order Book of this Court, that two (2) copies be certified to the Indiana Supreme Court and Indiana Court of Appeals pursuant to Trial Rule 81, that a copy of this rule be certified to the Prosecuting Attorney for Gibson County, and that a copy of this rule be certified to the Sheriff of Gibson County.

The Sheriff of Gibson County is herewith ORDERED to receive, file, maintain and post in a conspicuous place within his offices to the attention of all prisoners a copy of the foregoing Order of Court. Sheriff is FURTHER ORDERED to deliver a copy of this Order to all prisoners receiving work release privileges.

STATE OF INDIANA)
)
COUNTY OF GIBSON) SS:

1998 TERM

IN THE GIBSON CIRCUIT COURT

AMENDED GENERAL ORDER - LOCAL RULE 5

PRINCIPLES APPLICABLE TO FEE DETERMINATIONS

Although fee Guidelines are herewith promulgated by the Court for Probate matters, it is important that your attention be directed to certain principles and criteria as they pertain to these Guidelines.

Primarily, it should be **clearly understood** that these fee guidelines are just that, guidelines alone. The existence of the Guidelines does not assure that all fees allowed by the Court will adhere to them. Further, it should be clearly understood that these are **MAXIMUM FEES**, absent a strong showing of extraordinary services performed. Other factors must be considered by the Attorney and his, or her, Client. The same factors will also be considered by the Court in making its final determination.

All attorneys requesting Court approval of attorney fees in Estate cases must keep rigorous time records, and be prepared to demonstrate them.

The criteria to be considered by the Court in evaluating requests for fees include the following:

A. The time and labor required, the novelty, complexity, or difficulty of the questions involved, the skill required to perform the services properly, and shall include a determination as to how much of the Attorney's time was devoted to legal matters and how much of it was devoted to ministerial functions; more specifically, how much of the effort and time spent is actually performed by secretaries, requiring only cursory attention by the attorney. Attorneys may not attribute attorney time to time actually spent by the secretary.

B. The nature and extent of the responsibilities assumed by the Attorney and the results obtained, and shall include the considerations of the identity of the Personal Representative and the character of the probate and non-probate transferred assets;

C. The sufficiency of assets properly available to pay for legal services, and shall consider whether the Attorney's duties are expended by the existence of non-probate assets because of their inclusion for tax purposes, both federal and state;

D. The timeliness with which the necessary services are performed consistent with statutory requirements, the Court's rules of procedure and the Rules of Professional Conduct application thereto.

In considering all of these factors, all Attorneys are urged to discuss their fee and that of the Personal Representative at the time they are retained in all Probate matters.

GUIDELINES FOR ATTORNEY FEES

I. ADMINISTRATION

Gross Estate services are considered to normally include: Opening of the Estate, probating the will, qualifying the Personal Representative, preparing and filing the Inventory, paying claims, collecting assets, preparing and filing non-extraordinary petitions, preparing and filing the Inheritance Tax Schedule, obtaining the Court Order thereon and paying the taxes, preparing and filing the Final Report, obtaining order approving same, distributing the assets, obtaining discharge of the Personal Representative, and preparing and serving all notices on interested parties and readily ascertainable creditors throughout the proceedings. This list shall not be considered to be exclusive.

A. Gross Estate:

Up to \$100,000.00, not to exceed.....	5%
Next 200,000.00, not to exceed.....	4%
Next 700,000.00, not to exceed.....	3%
Over 1,000,000.00, not to exceed.....	1%

B. Miscellaneous - Extraordinary Services:

Sale of Real Estate.....\$500.00

Federal Estate Tax Return:

Basic Fee.....\$600.00

Assets exceeding those indicated in 1%

Inheritance Tax Schedule

Cash, stock, bonds, other intangibles -
 non-probate assets.....1%
 Other assets - non-probate assets.....1.5%
 Petition - ex parte.....\$175.00
 Other Than as Provided Above....~~\$85.00~~ \$95.00 per hour
 (Attorney's expertise in probate matters will be
 considered by the Court in determining the applicable
 hourly rate.)

II. MISCELLANEOUS:

Probate Will only.....\$175.00
 Small Estate settlement procedure.....\$300.00
 Inheritance Tax Schedule (see above)
 Federal Estate Tax Return (see above)

III. WRONGFUL DEATH ADMINISTRATION:

Fees not to exceed:

Settlement prior to filing.....20-25%
 Settlement after filing and prior to
 actual trial preparation.....30%
 Trial.....33 1/3-40%
 Appeal, or extra work.....< 50%

Fees in these cases will consider such
 matters as time expended, amount of discovery
 required, difficulty of legal issues, and the
 point in time at which settlement occurs.

IV. GENERAL:

Fees will be computed on an hourly basis only for
 extraordinary services or for services not specified above.
 Fee petitions requesting extraordinary fees must set forth
 services rendered with specificity, including time records.
 Court room time may be billed at the attorney's maximum rate
 for services rendered.

Extraordinary services, depending upon the circumstances
 prevailing in each individual matter, may include: sale of

personal property, sale of real property, partial distribution, defending a Will, construing a Will, contesting claims, adjusting tax matters, any contested hearing, petition for instructions, heirship determination, generating additional income for the Estate, federal estate tax return, etc. All fee petitions must specifically set forth the fee requested for both the Personal Representative and the Attorney and will be set for hearing. If all interested parties sign a waiver and consent stating that they have been advised the additional fee request exceeds the Court's guidelines and that the services as detailed are extraordinary, the Court may not require a hearing. A suggested form of acceptable waiver is attached. The Court will not determine and allow fees in an Unsupervised Administration. Fees determined on non-probate transferred assets should be charged against the transferees of these assets and not the Estate.

WAIVER AND CONSENT TO ALLOWANCE
OF FEES IN EXCESS OF GUIDELINES

When an Attorney reasonably believes that extraordinary circumstances exist and requests fees that exceed the Guidelines, it is suggested that all affected parties either sign a waiver and consent, or the fees be determined only after notice to the affected parties and hearing on the petition. The waiver and consent should not be merely a pro forma waiver and consent, but should be in substantially the following form:

IMPORTANT: PLEASE READ BEFORE SIGNING!

WAIVER AND CONSENT

The undersigned, an interested party in the Estate of _____, understands that:

A. The maximum fee ordinarily allowed by the Court for legal services in this Estate would amount of \$_____;

B. The Attorney has requested fees in the amount of \$_____, alleging that extraordinary and unusual services have been performed.

The undersigned, being fully advised, now consents to the allowance of the requested fee, waives any notice of hearing on the Petition and requests that the Court allow fees in the amount of \$_____.

Dated: _____

Devisee-Heir

~~Entered on the General Order Book of this Court on the
22nd day of September, 1989.~~

Amended on the General Order Book of this Court on the 6th
day of August, 1998.

WALTER H. PALMER, JUDGE
GIBSON CIRCUIT COURT

GIBSON CIRCUIT COURT GENERAL ORDER - LOCAL RULE 6

Pursuant to County of Riverside v. McLaughlin (May 13, 1991), No. 8901817, ___U.S.___, the Gibson Circuit Court and Gibson Superior Court now enter the following Joint Local Rule:

No person arrested without a warrant may be detained in the Gibson County Jail for a period exceeding forty-eight (48) hours without being brought before one of the undersigned Judges or their designees.

/s/ Walter H. Palmer, Judge, Gibson Circuit Court

/s/ Earl G. Penrod, Judge, Gibson Superior Court

GIBSON CIRCUIT COURT GENERAL ORDER - LOCAL RULE 7

The Gibson Circuit Court Clerk will accept pleadings or papers filed by facsimile transmission under the following circumstances:

1. The party delivering pleadings by facsimile transmission must have a facsimile machine capable of, and which does, include the name of the transmittor, date and time of transmission.
2. No pleadings required under Indiana Rules of Procedure or any other applicable Rule of Procedure to be verified will be accepted.
3. No pleadings involving concurrent payment of costs or any other fees payable to the Clerk will be accepted.
4. No pleadings filed after the normal hours of the Clerk will be accepted, unless specific arrangements have been made with the Clerk. The date and time noted when received by the Clerk's facsimile machine shall be controlling for purposes of T.R.5(E).
5. It is the responsibility of the attorney filing the pleadings to insure legibility and appropriateness of the pleadings under the Code of Professional Conduct and the Indiana Rules of Procedure.
6. Nothing herein will relieve any attorney of the responsibility for delivery of his pleadings to the Clerk.
7. The telephone address for the Circuit Court Clerk's facsimile machine is (812) 385-5025.

/s/ Walter H. Palmer, Judge, Gibson Circuit Court

STATE OF INDIANA)
) SS:
COUNTY OF GIBSON)

IN THE GIBSON CIRCUIT COURT
2002 TERM

AMENDED LOCAL RULE #8

Pursuant to the inherent powers of these Courts and in order to provide for the speedy, efficient and inexpensive resolution of disputes, and to further the education of parents in dealing with the stress of their children during the process of their domestic relations problems, this ~~joint~~ amended local rule is herewith promulgated.

Section 1. This rule applies to all parties in all dissolution of marriage, separate maintenance, change of custody, visitation, other domestic relations actions, excluding domestic violence and contempt actions, filed on or after October 20, 1993, where the interests of children under 18 years of age are involved.

Section 2. All parties shall successfully complete the program entitled "Transparenting - Moving Families Through Change" ~~"Children Cope With Divorce."~~ ~~See Exhibit "A" which describes the seminar and which is attached hereto and incorporated herein by express reference.~~

Section 3. The seminar shall be successfully completed within 60 days of service of the original petition upon the original respondent.

Section 4. Upon a party's failure to successfully complete the seminar pursuant to this rule, the assigned Judge may take appropriate action, including but not limited to actions for contempt.

Section 5. The attorney(s) will be responsible for providing their client a copy of the brochure of Doulos, Inc., which contains the seminar admission form and information. The Clerk of this Court will be responsible for attaching a copy of said brochure to the service of process issuing from his office.

Section 6. For good cause shown, the assigned Judge may waive the requirement of completion of this program in individual cases.

~~SO ORDERED this 22nd day of October, 1993.~~
SO ORDERED THIS 21ST DAY OF OCTOBER, 2002.

WALTER H. PALMER, JUDGE
GIBSON CIRCUIT COURT

AMENDED LOCAL RULE #9

In all Domestic Relations matters in this Court where children are involved, the Indiana Parenting Time Guidelines are to be furnished to all persons appearing as parties. The Clerk of this Court is ordered to provide copies upon filing of Domestic Relations pleadings. Parties appearing by counsel will be provided copies by their respective attorneys.

SO ORDERED this 21ST DAY OF OCTOBER, 2002.

Walter H. Palmer, Judge,
Gibson Circuit Court

Gibson County
Circuit and Superior
Amended

Amended Joint Local Rule #10**

Pursuant to the promulgation of Criminal Rule 2.2.
Assignment of Cases by the Indiana Supreme Court on December 5,
1994, the Gibson County Circuit and Superior Courts herewith
adopt the following joint local rule governing the assignment of
of all felony and misdemeanor cases to the Courts.

1. Effective July 1, 1995, all misdemeanor and felony cases
will be filed in the two Courts randomly.

2. The Clerk of the Courts will create a series of tokens
representing Circuit Court, and a distinguishable series of
tokens representing Superior Court. An equal number of each
token will be placed in an appropriate container, and one token
randomly drawn by the Clerk upon filing of a case by the
Prosecutor (excepting those cases described in paragraph 3). The
case will be docketed in the Court denominated by the drawn
token. The tokens drawn will not be placed back into the
container but shall be kept separately from the container. When
the token container becomes empty, the Clerk will refill the
container with an equal number of tokens of each Court, and
repeat the process.

3. Notwithstanding paragraph 1 above, all cases in which
the most serious charge or count alleges the commission of a
misdemeanor or Class D felony set forth in Title 9 of the Indiana
Code, will be filed and docketed by the Clerk of the Courts in
Superior Court.

4. In the event the Prosecutor files an additional
charge(s) against a defendant against whom charges have already
been filed and are pending, any such subsequent charge shall be
docketed in the same Court as the original charges, (excepting
those cases described in paragraph 3), without resort to
selection by token as described in paragraph 2.

5. Pursuant to Criminal Rule 13, as amended December 5,
1994, the Courts provide the following "alternative assignment
list" of judges of contiguous counties:

Hon. James M. Redwine	Posey Circuit
<u>Hon. Brent Almon</u>	<u>Posey Superior Court</u>
Hon. Jeffrey L. Biesterveld	Pike Circuit Court
<u>Hon. David O. Kelley</u>	<u>Warrick Circuit</u>
Hon. Keith A. Meier	Warrick Superior No. 1

Hon. Robert R. Aylsworth
Hon. J. Douglas Knight
Hon. Mary Margaret Lloyd
~~Hon. Donald E. Baier~~
~~Hon. Donald G. Hendrickson~~

Warrick Superior No.2
Vanderburgh Superior No.4
Vanderburgh Superior No. 7
~~Posey County~~
~~Warrick Circuit~~

6. Pursuant to I.C. 33-5-18.3-9, the Judges of the Courts reserve the right to transfer cases as they deem appropriate.

~~Adopted this 13th day of April, 1995.~~

Adopted this 18th day of March, 2003.

Walter H. Palmer, Judge,
Gibson Circuit Court

Earl G. Penrod, Judge,
Gibson Superior Court

*** As amended March 18, 2003 to reflect changes in the holders of the offices.

JOINT LOCAL RULE #11 OF THE GIBSON COUNTY CIRCUIT AND
SUPERIOR COURTS RESCINDED ON OCTOBER 21, 2002- SEE LOCAL
RULE # 14 (DUPLICATE)

STATE OF INDIANA)
) SS:
COUNTY OF GIBSON)

IN THE GIBSON CIRCUIT COURT
1997 TERM

JOINT LOCAL RULE 12
OF THE GIBSON CIRCUIT COURT
AND GIBSON SUPERIOR COURT

The undersigned, as Regular Judge of the Gibson Circuit and Superior Court now enter the following Local Rule:

The Community Corrections Program of Gibson County is ORDERED not to "lock-down" any prisoners committed by this Court without the written authorization of the Sheriff of Gibson County or the Regular Judge of the committing Court.

WALTER H. PALMER, REGULAR JUDGE
GIBSON CIRCUIT COURT

EARL G. PENROD, REGULAR JUDGE
GIBSON SUPERIOR COURT

STATE OF INDIANA)
)SS:
COUNTY OF GIBSON)

IN THE GIBSON CIRCUIT COURT
IN THE GIBSON SUPERIOR COURT
2002 TERM

AMENDED
JOINT LOCAL RULE #13
OF THE GIBSON CIRCUIT COURT
AND GIBSON SUPERIOR COURT

The following Local Rule is adopted by the Gibson Circuit and Superior Courts pursuant to direction of the Indiana Supreme Court as found in Administrative Rule 15.

DEFINITIONS

1. **Regular Hours**-the regular hours of the Court Reporter shall be the same as the regular hours during which the Court is normally open. This shall mean Eight A.M to Noon, and from One P.M. to Four P.M. each day, Monday through Friday, excluding Court holidays.
2. **Gap Hours**-means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.
3. **Overtime Hours**-means those hours worked in excess of forty (40) hours per work week.
4. **Work Space**-means that portion of the Court's facilities dedicated to each Court Reporter, including but not limited to, actual space in the Courtroom and any designated office space.
5. **Equipment**-means all physical items owned by the Court or other governmental entity and used by a Court Reporter in performing reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording, storing and transcribing electronic data.
6. **Page**-means the page unit of a transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
7. **Court Reporter**-means a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.

8. Recording-means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

9. Court-means the particular court for which the court reporter performs services. Court may also mean all of the courts in Gibson County.

10. County indigent transcript-means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.

11. State indigent transcript-means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.

12. Private transcript-means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

RULE

1. Each Court Reporter shall be paid an annual salary for time spent working under the control, direction and direct supervision of the Court during regular work hours, gap hours or overtime hours.

2. County indigent transcript preparation shall be billed in an amount not to exceed \$7.50 per page. The fee shall be paid by the County upon a claim duly submitted by the Court Reporter.

3. State indigent transcripts shall be billed at an amount not to exceed \$7.50 per page.

4. Private transcripts shall be billed at an amount not to exceed \$7.50 per page.

5. Each Court Reporter shall report annually to the Indiana Supreme Court, Division of State Court Administration, all transcript fees received by said Court Reporter. This requirement extends to and includes county indigent, state indigent and private transcripts. This report shall be filed on or before the last Friday in March of each year.

6. In the event that a Court Reporter desires to engage in private practice in addition to Court duties, such as recording and/or transcription of depositions, and further desires to utilize Court equipment, work space and supplies, the Court and Court Reporter shall enter into a written Agreement concerning reimbursement to the Court for usage of said items. At a minimum, said Agreement will designate the following:

(a.) the reasonable market rate for the use of

equipment, work space and supplies;

- (b.) the method by which records are to be kept for the use of equipment, work space and supplies;
- (c.) the method by which the Court Reporter is to reimburse the Court for the use of the equipment, work space and supplies.

7. If a Court Reporter elects to engage in private practice, said practice shall be conducted outside regular working hours, or by employing personal time by agreement with the Court.

8. In regard to gap hours, the Court Reporter shall be entitled to compensatory time of one hour (or fraction thereof) for each hour (or fraction thereof) of gap time.

9. In regard to overtime hours, a Court Reporter shall be entitled to compensatory time of one and one-half (1-1/2) hours (or fraction thereof) for each hour (or fraction thereof) of overtime hours.

10. In no event shall a Court Reporter be entitled to compensation for private practice, or compensation for county indigent transcripts, state indigent transcripts or private transcripts performed during regular work hours, except by utilizing personal time as per paragraph 7.

11. A minimum fee of \$35.00 per transcript is permissible (this minimum fee would be instead of a per page fee for those transcripts that are small).

12. Index and Table of Contents Pages prepared by the Reporter are to be charged at the per page rate being charged for the rest of the transcript.

13. An additional labor charge of \$15.00 per hour may be charged by the Court Reporter (based on the Court Reporter's annual salary) for the time spent binding the transcript and the exhibit binders.

14. Preparation of the separately-bound volumes of exhibits as required by Rule 29 is to be considered a part of the Transcript preparation process and billed at the same page per rate.

15. A reasonable charge for the office supplies required and utilized for the binding and electronic transmission of the Transcript, pursuant to Indiana Rules of Appellate Procedure 28 and 29, is permissible. The costs of these supplies shall be determined pursuant to the Schedule of Transcript Supplies which is to be established and published annually by the judge or judges of this county.

Enacted this ____ day of _____, 2002.

Walter H. Palmer, Judge
Gibson Circuit Court

Earl G. Penrod, Judge
Gibson Superior Court

STATE OF INDIANA)
) SS:
COUNTY OF GIBSON)

IN THE GIBSON CIRCUIT COURT
IN THE GIBSON SUPERIOR COURT
2002 TERM

JOINT SCHEDULE OF TRANSCRIPT SUPPLIES

Pursuant to Indiana Rules of Appellate Procedure 28 and 29, the Gibson Circuit Court and Gibson Superior Circuit now establish and publish the following Joint Schedule of Transcript Supplies for purposes of supplies required and utilized for the binding and electronic transmission of the Transcript:

<u>TYPE OF SUPPLIES</u>	<u>PRICE PER ITEM</u>
Electronic media	\$.80
Clasp envelope-extra heavy 10' x 13'	\$.50
Clasp envelope-extra heavy 12" x 15 1/2"	\$.60
Clasp envelope-extra heavy 10" x 15" x 2"	\$1.00
2" tang binder	\$3.00
1 1/8" tang binder	\$2.50
Disk pocket with flap	\$1.00
Expandable window envelope 10 x 13 x 2	\$3.50
Full-View window envelope 9 1/2 x 12 1/2	\$2.00

Established and published this ____ day of _____, 2002.

Walter H. Palmer, Judge
Gibson Circuit Court

Earl G. Penrod, Judge
Gibson Superior Court

***** FOURTH AMENDED JOINT LOCAL RULE #14 OF THE
GIBSON COUNTY
CIRCUIT AND SUPERIOR
COURTS**

Pursuant to the Order of the Indiana Supreme Court in 94S00-9506-MS-639, ORDER AMENDING RULES OF TRIAL PROCEDURE, promulgated June 7, 1995, in which the Supreme Court amended Trial Rule 79(H), the following Local Rule is herewith adopted.

In the event a special judge does not accept the case under Sections (D), (E) or (F) of TR 79, appointment of a special judge shall be made by the then-presiding judge from the following list of judges, who have agreed to be placed on this list:

Honorable James M. Redwine	Posey Circuit Court
Honorable Brent Almon	Posey Superior Court
Honorable Donald E. Baier	Posey Superior Court
Honorable J. Douglas Knight	Vanderburgh Superior Court No. 4.
Honorable Mary Margaret Lloyd	Vanderburgh Superior Court No. 7
Honorable David O. Kelley	Warrick Circuit Court
Honorable Donald G. Hendrickson	Warrick Circuit Court
Honorable Keith A. Meier	Warrick Superior Court No. 1
Honorable Robert A. Aylsworth	Warrick Superior Court No. 2.
Honorable Lee F. Baker	Pike Circuit Court
Honorable Sherry Biddinger Gregg Knox Circuit Court	

In the event of a case in which no judge is eligible to serve as special judge or the particular circumstance of a case warrants, the then-presiding judge in the case will certify the same to the Indiana Supreme Court for the appointment of a special judge pursuant to TR 79(H) (3).

~~Third Amendment made this 24th day of July, 2002.~~

Fourth Amendment made this 18th day of March, 2003.

Walter H. Palmer, Judge
Gibson Circuit Court

Earl G. Penrod, Judge
Gibson Superior Court

* First Amendment made to reflect full name of Judge Biddinger

**Amended February 27, 2001 to reflect changes in the holders of the offices.

***Amended July 24, 2002 to delete W. Timothy Crowley from list.

****Amended March 18, 2003 to reflect changes in the holders of the offices.

JOINT LOCAL RULE #15 OF THE
GIBSON COUNTY
CIRCUIT AND SUPERIOR
COURTS

Pursuant to the Indiana Supreme Court ORDER FOR DEVELOPMENT OF LOCAL CASELOAD PLANS, the Judge of the Gibson Superior Court and the Judge of the Gibson Circuit Court hereby adopt this Joint Local Rule entitled Gibson County Plan for Allocation of Judicial Resources.

This Joint Rule is adopted after a careful review of the Weighted Caseload Measures for the Gibson Superior Court and the Gibson Circuit Court as calculated by the Indiana Division of State Court Administration and with due consideration of the various significant factors not addressed by the Weighted Caseload Measures, including differences in Court budgets, Court staff and Court facilities as well as the preferences and customs of the attorneys, Judges and citizens of Gibson County.

1. On or before April 1 of each year the Judge of the Gibson Circuit Court and the Judge of the Gibson Superior Court shall meet to review the Weighted Caseload Measures statistics as calculated by the Division of State Court Administration for the preceding calendar year. The Court utilization percentage of the two Courts shall be compared and if the utilization percentages are within 25 points of one another, it shall be presumed that no action is necessary to reduce the disparity. If the utilization percentage between the Courts differs by more than 40 points in a calendar year or by more than 20 points for two consecutive years, it will be presumed that the disparity must be reduced, unless the Judges agree otherwise after discussing and evaluating the various relevant factors.

2. Should action be required to reduce a disparity in caseload, the Judges may agree to accomplish the reduction in any reasonable manner. If the caseload disparity warrants action but the Judges cannot agree on an equalization procedure, the reduction of the disparity shall be accomplished through implementation of a random filing system for civil plenary (CP) cases. Specifically, the Judges shall implement a random assignment system for civil plenary (CP) cases with the Court having the lower utilization percentage receiving two cases for every one case received by the Court having the higher utilization percentage. Unless otherwise agreed by the Judges, the random assignment system for civil plenary cases shall continue until the end of the calendar year in which it was implemented.

3. As part of the Gibson County Plan for Allocation of Judicial Resources, the Judge of the Gibson Circuit Court and the Judge of the Gibson Superior Court shall be reasonably available for the assignment of cases throughout the administrative district consistent with the comparative utilization levels for the Courts within the district and as provided in the Administrative District 13 Plan for Allocation of Judicial Resources.

So ordered this 18th day of August, 1999.

Walter H. Palmer, Judge
Gibson Circuit Court

Earl G. Penrod, Judge
Gibson Superior Court